

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:17-CR-70-BR-1

UNITED STATES OF AMERICA

v.

FRANZ DIDYER RAMOS-FERNANDEZ,

Defendant.

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ORDER

This case comes before the court on defendant's motion (D.E. 37) "to seal the attached document" filed on 28 July 2017. Although no document was attached, defendant appears to be referring to a proposed sealed motion (D.E. 36) filed contemporaneously with the instant motion. It is evident from the proposed sealed motion that defendant is seeking to have sealed more than merely that motion. Thus, the instant motion to seal does not provide adequate public notice. *See In re Washington Post Co.*, 807 F.2d 383, 390 (4th Cir. 1986) (requiring adequate public notice of "the closure of a hearing or the sealing of documents"); *In re Knight Publishing Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (requiring that in a criminal case that the public be given notice of a request to seal and a reasonable opportunity to challenge the request).

Counsel is reminded that after stating specifically the matter(s) defendant is seeking to have sealed, the substantive grounds for sealing should be set forth in a separate supporting memorandum. Defendant may file a separate motion requesting that the supporting memorandum be sealed.

Defendant's instant motion to seal (D.E. 37) is accordingly DENIED WITHOUT PREJUDICE. Any renewed motion shall be filed by 25 August 2017 and shall provide adequate

notice to the public of the matter(s) sought to be sealed. The government shall file a memorandum in response to any renewed motion within 7 days after the motion is filed.

SO ORDERED, this 16th day of August 2017.



James E. Gates
United States Magistrate Judge